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FACSIMILE TRANSMISSION COVER

DATE: November 1, 2002

TO: Examiner Amy DeCloux, Ph.D.

COMPANY: United States Patent and Trademark Office

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FROM: Malabika Ghosh

RE: USSN: 09/905,744

TOTAL PAGES
(including cover sheet): 9

COMMENTS:

Docket No. 28110/36120A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Chadwick *et al.*
Serial No:	09/905,744
Filed:	07/13/2001
For:	METHODS AND COMPOSITIONS RELATING TO CD39-LIKE POLYPEPTIDES AND NUCLEIC ACIDS
Examiner:	Amy M. DeCloux
Art Unit:	1644

CERTIFICATE OF FACSIMILE
UNDER 37 CFR 1.6(d)

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Type or Print Name of Person Faxing: Raquel R. Torres

Signature of Person

TRANSMITTAL LETTER

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Examiner DeCloux:

Enclosed are the following items for filing in the above-referenced U.S. Patent Application:

1. Applicants' Response to a Restriction Requirement dated 10/01/02

The Commissioner is hereby authorized to charge payment of any fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 501169. A duplicate copy of this sheet is enclosed.

Please refund any overpayment to Hyseq, Inc. at the address below.

Respectfully submitted,

Date: November 1, 2002

By: Malabika J. Ghosh

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RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Examiner DeCloux:

This is in response to the October 01, 2002 Restriction Requirement in the above-identified application. Applicants respectfully request reconsideration of the present Application in view of the following response. It is believed that no fees are required. However, if any fees are required in order to maintain the pendency of the instant application, the Examiner is expressly authorized to charge such to our Deposit Account No. 50-1169.

Please amend the application as follows;

IN THE CLAIMS

Kindly amend the pending claim 24 as follows:

24. (Amended) The polypeptide according to any one of the claims 19-22 that comprises amino acid residues 47-68, 123-138, 167-187 [or] and 194-214 of SEQ ID NO: 6.

RESPONSE

The Examiner requires restriction pursuant to 35 U.S.C § 121 to one of the allegedly four (4) separate and distinct inventions of claim 24 drawn to an isolated polypeptide have phosphohydrolase activity comprising an enzymatically active fraction of SEQ ID NO: 6 wherein said fragment comprises the species of amino acid residues 47-68, 123-138, 167-187, or 193-214 of SEQ ID NO: 6. The Examiner maintains that the enzymatically active (phosphohydrolase) fragments of SEQ ID NO: 6 in claim 24 are distinct because each polypeptide fragment allegedly has a unique structure with distinct biochemical and biological function.

Applicants have amended claim 24 to specify that the full-length polypeptide of SEQ ID NO:6 necessarily comprises the four apyrase regions (APRs), which range from amino acids residues 47-68, 123-138, 167-187, or 193-214 of SEQ ID NO: 6, respectively, as disclosed on page 9, lines 23-25 and Figure 8 of the Specification. Specifically Figure 8 shows amino acid alignments of the full-length protein sequences for human members of the CD39-like gene family, including CD39, CD39L1, CD39L2, CD39L3, and CD39L4, all which share in common the four conserved apyrase regions. Thus no new matter is added and further search is not required. In view of the amendment of claim 24 above, applicants respectfully submit that the required restriction for claim 20 becomes moot and should be withdrawn. Additionally, no change in inventorship under 37 CFR 1.48(b) is merited by amendment of claim 24 under 37 CFR 1.121 and as such, no request under 37CFR 1.48(b) or fee under 37 CFR 1.17(i) are submitted.

Respectfully submitted,

Date: November 1, 2002

By: Malabika J. Ghosh

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